

Consumer Price List, Hartman, Baker, and O'Conner in view of U.S. Patent No. 5,570,968 to Sassmannshausen et al. ("Sassmannshausen"). Applicants respectfully disagree.

2. Anticipation Rejections

As noted above, claims 1, 2, 4-6, 10, 11, and 14-16 stand rejected as allegedly anticipated by Consumer Price List, and claims 1, 2, 4-7, 9, 14, and 15 stand rejected as allegedly anticipated by Hartman. Claims 1, 4-7, and 13 also stand rejected as allegedly anticipated by Baker, and claims 1, 4, 7, and 12 stand rejected as allegedly anticipated by O'Conner. "A claim is anticipated if and only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." MPEP 2131. The Office Action alleges that Consumer Price List describes each and every element as set forth in claims 1, 2, 4-6, 10, 11, and 14-16, and Hartman describes each and every element as set forth in claims 1, 2, 4-7, 9, 14, and 15. The Office Action also alleges that Baker describes each and every element as set forth in claims 1, 4-7, and 13, and O'Conner describes each and every element as set forth in claims 1, 4, 7, and 12. Applicants respectfully disagree.

a. Consumer Price List

The Office Action rejects claims 1, 2, 4-6, 10, 11, and 14-16 as allegedly anticipated by Consumer Price List. Applicants' claim 1 describes a tripod in which each locking unit is "urged towards its engaged position" in order to provide for "automatic locking of the tripod in its deployed position." (Emphasis added.) As set forth in Applicants' Background of the Invention, however, the tripod described in Consumer Price List includes three legs, and a lock lever may be employed to lock each of the legs into their deployed position. In order to lock the legs in their deployed position, "the user is required to push down the leg lock levers to lock the joints, as locking is not automatic." Appl'n, Page 2, Lines 23-25. Thus, because the user must manually lock the legs in their deployed position via the lock lever, the lock levers are not urged towards their engaged position in order to provide for automatic locking of the tripod in its deployed position. Consequently, Consumer Price List fails at least to describe a tripod in which each locking unit is "urged towards its engaged position" in order to provide for "automatic locking of the tripod in its deployed position," as set forth in claim 1. Therefore,

Applicants respectfully request the Examiner to withdraw the anticipation rejection of claim 1 in view of Consumer Price List.

Claims 2, 4-6, 10, 11, and 14-16 depend from claim 1. In view of their arguments with respect to claim 1, Applicants maintain that claims 1, 2, 4-6, 10, 11, and 14-16 also are not anticipated by Consumer Price List.

b. Hartman

Claims 1, 2, 4-7, 9, 14, and 15 stand rejected as allegedly anticipated by Hartman. Applicants' claim 1 describes a tripod in which each locking unit has "a first engaged position which allows extension of the leg assembly but prevents relative axial movement which would shorten the length of the leg assembly, and a second disengaged position in which the leg assemblies are free to move in either axial direction." (Emphasis added.) In contrast, Hartman describes a tripod which includes three legs 44, and each leg 44 includes a clamping mechanism 48 and a clamping mechanism 50. Clamping mechanisms 48 and 50 are adapted to lock an upper leg assembly 52 and a lower leg assembly 54 in an extended position or in a retracted position, respectively. Specifically, each of clamping mechanisms 48 and 50 includes a cam 140 which may be rotated in a clockwise or in a counterclockwise direction. When cam 140 is rotated in a clockwise direction via a locking lever 160, a strap 134 is shortened, which draws an assembly post 84 towards a post member 109 and locks upper leg assembly 52 and lower leg assembly 54 in either an extended position or in a retracted position, respectively. Consequently, when clamping mechanisms 48 and 50 are in an engaged position, clamping mechanisms 48 and 50 prevent upper leg assembly 52 and lower leg assembly 54 from moving in either axial direction. Similarly, when clamping mechanisms 48 and 50 are rotated in the counterclockwise direction, strap 134 is lengthened, which unlocks upper leg assembly 52 and lower leg assembly 54. As such, when clamping mechanisms 48 and 50 are in a disengaged position, leg assembly 52 and lower leg assembly 54 may move in either axial direction. See, e.g., Hartman, Column 12, Lines 65-68, and Column 13, Lines 1-17.

Nevertheless, when clamping mechanisms 48 and 50 are in the engaged position, upper leg assembly 52 and lower leg assembly 54 are in a locked position, i.e., cannot move in either axial direction, clamping mechanisms 48 and 50 do not allow upper leg assembly 52 and

lower leg assembly 54 to extend when in an engaged position. Thus, Hartman fails at least to describe a tripod in which each locking unit has "a first engaged position which allows extension of the leg assembly but prevents relative axial movement which would shorten the length of the leg assembly, and a second disengaged position in which the leg assemblies are free to move in either axial direction," as set forth in claim 1. Consequently, Applicants respectfully request that the Examiner withdraw the anticipation rejection of claim 1 in view of Hartman.

Claims 2, 4-7, 9, 14, and 15 depend from claim 1. In view of their arguments with respect to claim 1, Applicants also respectfully request that the Examiner to withdraw the anticipation rejection of claim 2, 4-7, 9, 14, and 15.

c. Baker

Claims 1, 4-7, and 13 stand rejected as allegedly anticipated by Baker. As described above, Applicants' claim 1 describes a tripod in which each locking unit has "a first engaged position which allows extension of the leg assembly but prevents relative axial movement which would shorten the length of the leg assembly, and a second disengaged position in which the leg assemblies are free to move in either axial direction." (Emphasis added.) In contrast, Baker describes a tripod which includes three legs, and each leg includes a first portion 20, a second portion 30, and a fourth portion 40. Moreover, second portion 30 includes a first locking mechanism, and third portion 40 includes a second locking mechanism. Further the first locking mechanism includes a locking lever 38, and the second locking mechanism includes a locking lever 48. In operation, when locking lever 48 is moved in a predetermined direction, locking lever 48 rotates a shaft 49 between its fully unlocked position and its fully locked position, such that shaft 49 acts to raise a block 50. When block 50 is raised, block 50 abuts with a wedge portion 54, which causes a longitudinal outward displacement of a member 52, which locks a tube 31 and a tube 32. Consequently, when the locking mechanisms are in an engaged position, the locking mechanisms prevent first portion 20, second portion 30, and third portion 40 from moving in either axial direction. Similarly, when the locking mechanisms are in a disengaged position, first portion 20, second portion 30, and third portion 40 may move in either axial direction. See, e.g., Baker, Column 5, Lines 37-52.

Nevertheless, when the locking mechanisms are in the engaged position first portion 20, second portion 30, and third portion 40 are in a locked position, i.e., cannot move in either axial direction, the locking mechanisms do not allow first portion 20, second portion 30, and third portion 40 to extend when in an engaged position. Thus, Baker fails at least to describe a tripod in which each locking unit has “a first engaged position which allows extension of the leg assembly but prevents relative axial movement which would shorten the length of the leg assembly, and a second disengaged position in which the leg assemblies are free to move in either axial direction,” as set forth in claim 1. Therefore, Applicants respectfully request that the Examiner withdraw the anticipation rejection of claim 1 in view of Baker.

Claims 4-7 and 13 depend from claim 1. In view of their arguments with respect to claim 1, Applicants also respectfully request that the Examiner withdraw the anticipation rejection of claim 4-7 and 13.

d. O’Conner

Claims 1, 4, 7, and 12 stand rejected as allegedly anticipated by O’Conner. As described above, Applicants’ claim 1 describes a tripod in which each locking unit has “a first engaged position which allows extension of the leg assembly but prevents relative axial movement which would shorten the length of the leg assembly, and a second disengaged position in which the leg assemblies are free to move in either axial direction.” (Emphasis added.) In contrast, O’Conner describes a tripod which includes a first leg 12, a second leg 13, and a third leg 14. Legs 12, 13, and 14 include a lower tripod leg portion 23 and a lock release lever 54. In operation, a user can pull one of levers 54 in order to release one of lower portions 23. When the released lower portion 23 reaches the ground, the user can release lever 54, which locks lower portion 23. As such, when lever 54 is in an engaged position, lever 54 prevents lower portion 23 from moving in either axial direction. Moreover, when lever 54 is in a disengaged position, lower portion 23 may move in either axial direction. See, e.g., O’Conner, Column 5, Lines 1-10.

Nevertheless, when lever 54 is in the engaged position lower portion 23 is in a locked position, i.e., cannot move in either axial direction, lever 54 does not allow lower portion 23 to extend when in an engaged position. Thus, O’Conner fails at least to describe a tripod in which each locking unit has “a first engaged position which allows extension of the leg assembly

but prevents relative axial movement which would shorten the length of the leg assembly, and a second disengaged position in which the leg assemblies are free to move in either axial direction,” as set forth in claim 1. Therefore, Applicants respectfully request that the Examiner withdraw the anticipation rejection of claim 1 in view of O’Conner.

Claims 4-7 and 12 depend from claim 1. In view of their arguments with respect to claim 1, Applicants also respectfully request that the Examiner withdraw the anticipation rejection of claim 4-7 and 12.

3. Obviousness Rejections

As noted above, claim 8 stand rejected as allegedly rendered obvious by each of Consumer Price List, Hartman, Baker, and O’Conner in view of Sassmannshausen. Applicants claim 1 describes a tripod in which each locking unit is “urged towards its engaged position” in order to provide for “automatic locking of the tripod in its deployed position.” (Emphasis added.) Applicants’ claim 1 also describes a tripod in which each locking unit has “a first engaged position which allows extension of the leg assembly but prevents relative axial movement which would shorten the length of the leg assembly, and a second disengaged position in which the leg assemblies are free to move in either axial direction.” (Emphasis added.) As set forth in detail above, Applicants maintain that each of Consumer Price List, Hartman, Baker, and O’Conner at least fails to disclose or suggest some of the elements of claim 1. Moreover, the Office Action does not allege that Sassmannshausen or any other reference discloses or suggests these missing elements. Claim 8 depends from claim 1. “If an independent claim is non-obvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious.” MPEP 2143.03 (citations omitted). Therefore, Applicants respectfully request that the Examiner withdraw the various obviousness rejections of claim 8.

CONCLUSION

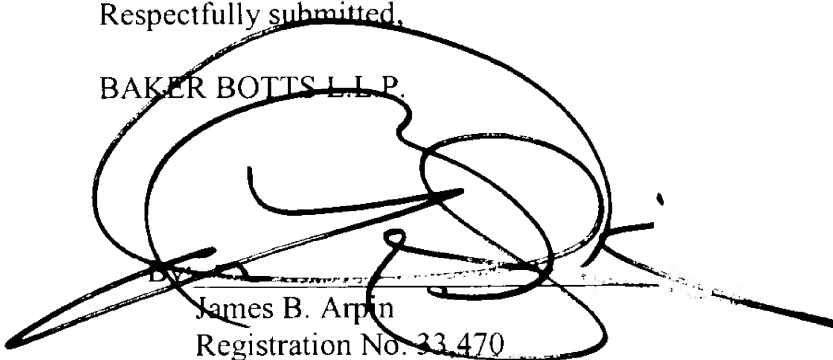
Applicants respectfully submit that this application is in condition for allowance, and such disposition is earnestly solicited. If the Examiner believes that an interview with Applicants’ representatives, either in person or by telephone, would expedite prosecution of this application, we would welcome such an opportunity. Applicants believe that no fees are due as a result of this responsive amendment. Nevertheless, in the event of any variance between the fees

determined by Applicants and those determined by the U.S. Patent and Trademark Office, please charge any such variance to the undersigned's Deposit Account No. 02-0375.

Respectfully submitted,

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